

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS  
BENTON DIVISION

MARY E. SHEPARD and the ILLINOIS  
STATE RIFLE ASSOCIATION,

Plaintiffs,

V.

LISA M. MADIGAN, solely in her official capacity as ATTORNEY GENERAL OF ILLINOIS, GOVERNOR PATRICK J. QUINN, solely in his official capacity as Governor of the State of Illinois, TYLER R. EDMONDS, solely in his official capacity as the State's Attorney of Union County, Illinois, and SHERIFF DAVID LIVESAY, solely in his official capacity as Sheriff of Union County,

Defendants.

No. 3:11-cv-00405-WDS-PMF

Honorable Judge Michael J. Reagan

Magistrate Judge Philip M. Frazier

## **PLAINTIFFS' MOTION TO CITE SUPPLEMENTAL AUTHORITY**

Plaintiffs respectfully request this Court's leave to cite Order of July 3, 2014, *Illinois Ass'n of Firearms Retailers, Inc. v. City of Chicago* (N.D. Ill.) (attached as Exhibit A), as supplemental authority in support of their motion for an award of attorneys' fees, expenses, and taxable costs. In support of this request, Plaintiffs state as follows:

1. In *Illinois Ass'n of Firearms Retailers*, the Northern District of Illinois struck down the City of Chicago's ban on the sale and transfer of firearms. *See* 961 F. Supp.2d 928, 947 (N.D. Ill. 2014). The City did not appeal the decision.

2. On June 25, 2014, the plaintiffs in *Illinois Ass’n of Firearms Retailers* filed a motion seeking an award of attorneys’ fees and expenses totaling \$940,000. The City of Chicago did not oppose the motion.

3. Cooper & Kirk, which represents Plaintiffs in this case, also represented the plaintiffs in *Illinois Ass'n of Firearms Retailers*. The *Illinois Ass'n of Firearms Retailers* plaintiffs sought hourly rates for Cooper & Kirk attorneys that exceed the rates Plaintiffs seek for the same Cooper & Kirk attorneys in this case. *Compare* Joint Statement at 1, *Illinois Ass'n of Firearms Retailers* (N.D. Ill. June 25, 2014) (attached as Exhibit B) (rates of Charles J. Cooper, David H. Thompson, Howard C. Nielson, Jr., and Peter A. Patterson), *with* Declaration of David H. Thompson, Exhibit A at 1-2 (Doc. 106-1 at 17-18) (Dec. 27, 2013) (same). (The difference is explained by the fact that those plaintiffs sought the attorneys' 2014 rates, while Plaintiffs here seek their 2011-2013 rates.)

4. On July 3, 2014, the Northern District of Illinois granted the fee petition filed by the *Illinois Ass'n of Firearms Retailers* plaintiffs. The court expressly found that the requested award of \$940,000 was reasonable: "Upon a review of the hours and hourly rates in the Joint Statement, the Court finds that the total reasonable attorney's fees and costs awarded to Plaintiffs is \$940,000 . . . ." Exhibit A at 1-2.

5. For the foregoing reasons, the Northern District of Illinois's order provides further support for Plaintiffs' fee petition in this case.

Dated: July 15, 2014

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Respectfully submitted,

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*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

The undersigned attorney states that he caused a true and correct copy of **Plaintiffs' Motion to Cite Supplemental Authority** to be served upon the parties of record, as shown below, via the Court's CM/ECF system on the **15th** day of **July, 2014**.

By: s/ Charles J. Cooper

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